

LARRY ECKOLS	§	
VS.	§	CIVIL ACTION NO. 1:09-CV-572
REGINALD GOINGS, ET AL.	§	

Plaintiff Larry Eckols, a prisoner confined in the Texas Department of Criminal Justice, Correctional Institutions Division, proceeding *pro se*, filed this civil rights action pursuant to 42 U.S.C. § 1983 against Reginald Goings, Brian Rodeen, and Brad Livingston.

The Court has received and considered the Report and Recommendation of United States Magistrate Judge, along with the record, pleadings, and all available evidence. Plaintiff filed objections to the Magistrate Judge's Report and Recommendation.

The Court has conducted a *de novo* review of the objections in relation to the pleadings and the applicable law. *See* FED. R. CIV. P. 72(b). After careful consideration, the Court concludes the objections are without merit. The Magistrate Judge's recommendation was based on plaintiff's failure to allege that he suffered an injury as a result of the conditions of confinement at the Gist State Jail after Hurricane Ike. Plaintiff contends he was injured during an inmate assault, but

plaintiff's claims do not involve allegations that he was assaulted by other inmates. Because the injuries allegedly suffered by plaintiff do not relate to the claims raised in this action, he has failed to state a claim upon which relief may be granted.

ORDER

Accordingly, plaintiff's objections are **OVERRULED**. The findings of fact and conclusions of law of the Magistrate Judge are correct, and the report of the Magistrate Judge is **ADOPTED**. A final judgment will be entered in accordance with the Magistrate Judge's recommendation.

So **ORDERED** and **SIGNED** this **25** day of **March, 2011**.

A handwritten signature in black ink, appearing to read "Ron Clark", is positioned above a horizontal line.

Ron Clark, United States District Judge